

REMARKS

Claims 1-8 and 10-29 are pending in this application. All pending claims stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,327,626 to Schroeder et al (hereinafter "Schroeder") in view of PCT published application WO 00/67433 to Ramanna et al (hereinafter "Ramanna").

Claim Rejection – 35 USC § 103

Claims 1-8 and 10-29 stand rejected under 35 USC § 103 as allegedly obvious over Schroeder in view of Ramanna. However, Applicant respectfully submits that Ramanna fails to meet the guidelines determining what is prior art. Ramanna was filed on April 19, 2000, i.e., prior to November 29, 2000, and, as such, is only prior art as of its publication date, November 9, 2000. As the filing date of the instant application is April 26, 2000, its filing date is prior to the "effective" filing date of Ramanna, its November 9, 2000 publication date. Even under the revised rules, for which Ramanna fails to qualify due to its pre-November 29, 2000 filing date, Ramanna failed to designate the US and thus would fail to satisfy the requirements of the revised rules. Thus, in either case, Ramanna fails to obtain its international filing date as the priority date.

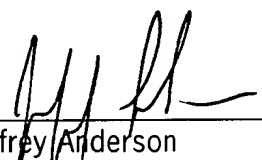
Applicant respectfully submits that without Ramanna, the instant rejection under 35 USC § 103 is moot. Moreover, the Examiner has acknowledged that Schroeder fails to anticipate the instant claims under 35 USC § 102. Therefore, the applicant submits that the application is in condition for allowance.

CONCLUSION

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. Further, Applicant submits that the pending claims are in condition for allowance, and issuance of a Notice of Allowance is respectfully requested. The Patent Office is invited to contact the undersigned representative if it is believed that this would be helpful in expediting prosecution of this application.

Respectfully submitted,

Dated: March 17, 2004



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